

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ALEXANDER NAM RIOFTA,

Petitioner,

v.

DAN PACHOLKE,

Respondent.

Case No. C07-5489 BHS/KLS

ORDER TERMINATING MOTION  
TO STAY AND ABEY AND  
DIRECTING PETITIONER TO FILE  
AND SERVE MOTION

Before the Court is Petitioner's Motion to Stay and Abey Habeas Petition (Dkt. # 6). This motion has not been properly served on the Respondent or noted on the Court's calendar.<sup>1</sup> By separate Order, the Court has ordered service of Petitioner's Habeas Petition on Respondent. After service and entry of appearance by the Respondent in this case, Petitioner should re-file the motion to stay, properly serve Respondent and note the motion, all in accordance with the Electronic Filing Procedures for Civil Cases. The Electronic Filing Procedures are available on the Court's website at [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov) and from the Clerk's Office.

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<sup>1</sup>The docket currently reflects an automatically assigned noting date of December 17, 2007. This noting date is incorrect, however, as service on Respondent must first be effected. Petitioner's proposed Motion to Stay and Abey (Dkt. # 2) was also automatically assigned a noting date of October 12, 2007, which is no longer valid.

1 Accordingly, it is **ORDERED**:

- 2 (1) Petitioner's Motion to Stay and Abey (Dkt. # 2 and 6) are terminated; and
- 3 (2) Petitioner is directed to file, serve and renote the motion in accordance with the
- 4 Electronic Filing Procedures for Civil Cases following service of the Habeas Petition
- 5 on Respondent.
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7 DATED this 10th day of December, 2007.

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11 Karen L. Strombom

12 United States Magistrate Judge

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